

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE VALENCIA GALINDO, individually	:	
and on behalf of others similarly situated,	:	
	:	
Plaintiff,	:	
-against-	:	21-CV-5030 (VEC)
	:	
SOMICH DELI INC. (D/B/A PJ BERNSTEIN	:	<u>ORDER</u>
DELI), RESTAURANT SERVICES NYC LLC.	:	
(D/B/A PJ BERNSTEIN DELI), PJS	:	
DELIKATESAN LLC (D/B/A PJ BERNSTEIN	:	
DELI), PJ BERNSTEIN DELI CORP (D/B/A PJ	:	
BERNSTEIN DELI), ALEX SLOBODSKI,	:	
LEONID VAYNBERG, STEVEN SLOBODSKI,	:	
AND CLARISA SLOBODSKI,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on June 7, 2021, Plaintiff filed a Complaint against Somich Deli Inc (doing business as PJ Bernstein Deli), Restaurant Services NYC LLC (doing business as PJ Bernstein Deli), PJs Delikatesan LLC (doing business as PJ Bernstein Deli), PJ Bernstein Deli Corp. (doing business as PJ Bernstein Deli), Alex Slobodski, Steven Slobodski, Clarisa Slobodski, and Leonid Vaynberg, Dkt. 1;

WHEREAS Plaintiff filed an affidavit of service contending that Leonid Vaynberg was served at his actual place of business on June 21, 2021, Dkt. 32;

WHEREAS Mr. Vaynberg has not appeared in this action or answered the Complaint;

WHEREAS on July 9, 2021, this matter was referred to mediation, Dkt. 25;

WHEREAS the mediation referral order deferred Defendant's deadline to answer, move, or otherwise respond to the complaint to 30 days after the conclusion of mediation, *id.* at 2;

WHEREAS on October 15, 2021, the mediation department informed the Court that mediation was unsuccessful and had concluded in this matter; and


WHEREAS Mr. Vaynberg accordingly has until November 14, 2021 to answer, move, or otherwise respond to the complaint;

IT IS HEREBY ORDERED that Plaintiff's counsel must serve a copy of this order and the Complaint on Mr. Vaynberg and file proof of service on the docket by no later than **Friday, November 5, 2021**. If Plaintiff's counsel serves Mr. Vaynberg at his "actual place of business," Plaintiff's counsel must file an additional letter with the Court outlining how Plaintiff knows that the location of service of process is Mr. Vaynberg's "actual place of business." *See* CPLR § 308(6).

IT IS FURTHER ORDERED that Mr. Vaynberg's deadline to answer, move, or otherwise respond to the Complaint is adjourned to **Wednesday, November 24, 2021**. If Mr. Vaynberg does not answer the Complaint by the deadline, the Court will direct Plaintiff to move for order to show cause why default judgment should not be entered against Mr. Vaynberg, in accordance with this Court's Individual Practices.

SO ORDERED.

Date: October 29, 2021
New York, New York


VALERIE CAPRONI
United States District Judge